IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL.

Writ Petition No. 1171(S/S)2007

Anjali Sethi W/o Harpreet Sethi,
Resident of 80 Kanwali Road,
Dehradun. -----Petitioner.

Vs.

1. State of Uttarakhand, through its Secretary, School Education, Dehradun,
2. Director, School Education, Govt. of Uttarakhand, Dehradun,
3. Addl. District Education Officer (Basic), Dehradun,
4. District Basic Education Officer, Dehradun. ----Respondents.

Sri Siddharatha Bisht, learned Counsel for the petitioner and
Sri H.M. Raturi, learned Standing Counsel for the State of Uttarakhand/Respondents.

Hon'ble M.M. Ghildiyal, J.

Heard Sri Siddharatha Bisht, learned counsel for the petitioner and Sri H.M. Raturi, learned Sanding Counsel for the State of Uttarakhand/respondents.

The petitioner has preferred the instant writ petition challenging the impugned transfer order dated 22.06.2007 (annexure no. 1 so far as it relates to the petitioner) passed by Addl. District Education Officer (Basic), Dehradun/ respondent no. 3, by which, the petitioner who is working as Assistant Teacher in Primary School Mehuwala, Mafi, 01 Raipur, district Dehradun has been transferred to primary School, Upper Tarai, Raipur, Dehradun against the vacant post.

The petitioner has challenged the impugned transfer order on various grounds, such as the petitioner has already

completed 7 years' service in dis-comfortable areas and according to the Rules merely within a span of about 2½ years she cannot be transferred again to a most dis-comfortable area; that the teachers namely Sunita Dhaliwal, Usha Thakur, Sushma Goyal, Vimla Arjil and Ganeshi Bisht who have a long stay of about 18 years, 10 years, 10 years, 9 years & 9 years respectively, at one station, have not been disturbed, besides it Indu Bala, Sushma Goyal and Usha Thakur have never remain in dis-comfortable areas; that the petitioner is suffering from chronic ear disease and lastly that if there are surplus teachers in the Institution, the teachers who have completed span of maximum service in a particular region, would be transferred first.

So far the assertions, which have been made by the petitioner in the instant petition are concerned, in absence of pleadings of other parties in rebuttal, no observation can be made at this stage. Although this Court is refraining from commenting on the merits of the case lest it may adversely affect the petitioner's case, but keeping in view the averments made on oath that the petitioner is posted in the present Institution only 2½ years back, the Authority concerned can be directed to take decision on the representation of the petitioner, if any moved by her.

It is submitted that in this regard, raising all her grievances, the petitioner has already moved a representation before the Addl. District Education Officer, Dehradun/ respondent no.3 on 3rd July 2007, (annexure no. 4 to the writ petition), which is still pending before respondent no.3.

Therefore, without entering in to the merits of the case, I direct the Addl. District Education Officer (Basic), Dehradun/ respondent no.3 to take decision on the representation of the petitioner on the issues raised by the petitioner in her representation, within a period of two weeks from the date of production of a certified copy of this order. The petitioner is also directed to produce a certified copy of this order before respondent no. 3 within a week from today.

With these directions, the writ petition is finally disposed of. No order as to costs. All the pending applications stand disposed of.

(M.M. Ghildiyal, J.)

August 24, 2007:
NCM: